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NATERA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA,  
SAN FRANCISCO DIVISION

GUARDANT HEALTH, INC.,

Plaintiff,

vs.

NATERA, INC.,

Defendant.

Case No. 3:21-cv-04062-EMC

**JOINT STATUS REPORT ON JURY  
INSTRUCTIONS AND PROPOSED  
EXPERT DISCOVERY SCHEDULE**

1 Dear Judge Chen:

2 Pursuant to the Court's directions during the May 1, 2024 charge conference, the Parties met  
 3 and conferred on May 8 regarding Proposed Jury Instruction Nos. 34-38, 41, 46, 48, and 50, as well  
 4 as a proposed schedule for supplemental/rebuttal expert reports on Guardant's prospective  
 5 corrective advertising damages. On May 8, Guardant provided to Natera revised proposed  
 6 instructions incorporating both Parties' revised instructions, and on May 10, Natera provided  
 7 additional proposals. The Parties have reached several agreements, including to eliminate Proposed  
 8 Instruction No. 41 (regarding interstate commerce), and have narrowed a few other disputed  
 9 instructions, but the Parties continue to discuss the remaining issues in the proposed jury instructions  
 10 and will submit a joint, revised proposal on jury instructions to the Court for consideration by  
 11 Tuesday, May 14, 2024.

12 The Parties propose the following schedule for supplemental/rebuttal expert reports of Mr.  
 13 Malackowski and Dr. Stec:

|    |                           |                                                                              |
|----|---------------------------|------------------------------------------------------------------------------|
| 14 | <b>May 27, 2024</b>       | Parties to exchange updated financial information after conferring.          |
| 15 | <b>June 14, 2024</b>      | Guardant serves supplemental report of Mr. Malackowski                       |
| 16 | <b>June 28, 2024</b>      | Natera serves rebuttal report of Dr. Stec                                    |
| 17 | <b>July 2-12, 2024</b>    | Depositions of Mr. Malackowski and Dr. Stec                                  |
| 18 | <b>July 15, 2024</b>      | Parties to advise Court of any potential <i>Daubert/in limine</i> motions on |
| 19 |                           | supplemental/rebuttal damages opinions                                       |
| 20 | <b>July 22, 2024</b>      | <i>Daubert/in limine</i> motions on supplemental/rebuttal damages            |
| 21 |                           | opinions (if permitted)                                                      |
| 22 | <b>July 31, 2024</b>      | Oppositions to allowed motions                                               |
| 23 | <b>August 7, 2024</b>     | Replies in support of allowed motions                                        |
| 24 | <b>August 12-19, 2024</b> | Hearing on motions (if entertained by Court)                                 |
| 25 |                           |                                                                              |
| 26 |                           |                                                                              |
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| 28 |                           |                                                                              |

1 Quinn Emanuel Urquhart & Sullivan, LLP  
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Allen Overy Shearman Sterling US LLP  
Counsel for Plaintiff Guardant Health, Inc.

3 /s/ Brian Cannon

/s/ Saul Perloff

4 Brian Cannon

Saul Perloff

1 I hereby attest under penalty of perjury that concurrence in the filing of this document has  
2 been obtained from counsel for Defendant.

3 By: /s/ Saul Perloff  
4 Saul Perloff

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